

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re)	
)	
MARITIME	)	EB Docket No. 11-71
COMMUNICATIONS/LAND MOBILE,	)	File No. EB-09-IH-1751
LLC	)	FRN: 0013587779
)	
Participant in Auction No. 61 and Licensee)	
of Various Authorizations in the Wireless)	
Radio Services)	
)	
Applicant for Modification of Various)	
Authorizations in the Wireless Radio)	
Services)	
)	
Applicant with ENCANA OIL AND GAS	)	Application File Nos. 0004030479,
(USA), INC.; DUQUESNE LIGHT	)	0004144435, 0004193028,
COPANY; DCP MIDSTREAM, LP;	)	0004193328, 0004354053,
JACKSON COUNTY RURAL	)	0004309872, 0004310060,
MEMBERSHIP ELECTRIC	)	0004314903, 0004315013,
COOPERATIVE; PUGET SOUND	)	0004430505, 0004417199,
ENERGY, INC.; ENBRIDGE ENERGY	)	0004419431, 0004422320,
COMPANY, INC.; INTERSTATE	)	0004422329, 0004507921,
POWER AND LIGHT COMPANY;	)	0004153701, 0004526264,
WISCONSIN POWER AND LIGHT	)	0004636537, and 0004604962
COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT,)	
LLC; DENTON COUNTY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL)	
AUTHORITY)	
)	
For Commission Consent to the Assignment)	
of Various Authorizations in the Wireless)	
Radio Services)	

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

OBJECTIONS TO MARITIME'S FIRST DRAFT GLOSSARY

Environmental, LLC, Intelligent Transportation and Monitoring Wireless, LLC and Verde Systems, LLC (collectively "SkyTel-O")¹ by undersigned counsel, hereby file their objections to Maritime Communications/Land Mobile, LLC's ("Maritime") First Draft Glossary² filed in response to Judge Sippel's August 7, 2012 Order.³

As a general matter, SkyTel-O objects to any party's attempt to interpose into this proceeding, any term that is not in the Commission's rules⁴ and Orders pertaining to Automated Maritime Telecommunications Systems ("AMTS"). First, there is no need for that interposition since the rules and Orders provide clarity for purposes of Issue (g) in this proceeding. Second, any such terms under such undertaking, if adopted by the Judge, might well constitute an impermissible *ultra vires* rulemaking.⁵ Therefore, SkyTel-O requests that only those definitions consistent with the express language of the Commission's Rules and Orders be accepted and used herein. This would enable the matter at hand to be decided promptly. However, if Maritime's approach (defining new terms not in the rules) is followed, SkyTel-O submits the

¹ Undersigned counsel only represents Environmental, LLC, Intelligent Transportation and Monitoring Wireless, LLC and Verde Systems, LLC (commonly referred to as the "SkyTel-O entities"). This filing is not made on behalf of Mr. Warren Havens or any entity other than the SkyTel-O entities.

² On August 16, 2012, Maritime filed its draft glossary of terms relating to Issue (g) in the above-captioned proceeding, entitled "Draft Glossary Per Order, FCC 12M-39" and Erratum thereto ("Draft Glossary").

³ See FCC 12M-39. On August 28, 2012, SkyTel-O lodged procedural objections to the filing of Maritime's First Draft Glossary. Judge Sippel rejected these objections on September 25, 2012 based on the fact that SkyTel-O lacked standing to raise objections on behalf of Warren Havens or his other entities ("SkyTel-H") not represented by the undersigned. See FCC 12M-44. SkyTel-O did not intend to raise issues on behalf of Mr. Havens or SkyTel-H, but rather object to Maritime's refusal to follow the previous order simply because all parties have an interest in compliance with the Commission's procedural orders. Maritime did not follow such order to work directly with Mr. Havens, but rather, decided to engage in self-help—something found inappropriate in the most recent order.

⁴ See Exhibit 1.

⁵ See, e.g., *New York University*, 10 FCC 2d 53, 55 (Rev. Bd. 1967), review denied FCC 68-609, released June 12, 1968. Only the Commission has rulemaking authority.

disputed terms should be referred to the Wireless Bureau for guidance. Neither the Enforcement Bureau nor the Office of Administrative Law Judges has authority to create new rule definitions for this case.

I. BACKGROUND

The Commission, in its Hearing Designation Order (“HDO”) established Issue (g) providing that the proceeding was “to determine whether Maritime constructed or operated any of its stations at variance with sections 1.955(a) and 80.49 of the Commission’s rules.” *See Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing (FCC 11-64), 26 FCC Rcd. 6520, 6547 ¶ 62(g) (2011). The establishment of Issue (g), in and of itself, presupposes that an adjudication is possible under the Commission’s current rules governing AMTS.

It is well known that the path leading to adjudication on Issue (g) has been a lengthy one. There is no need to rehash the facts leading up to the HDO here. Suffice it to say that the record shows that, time and again, Maritime has neglected to adhere to the relevant rules governing its licenses and the related process. This proceeding provides an opportunity to discover the truth and if necessary, sanction improper conduct. To do so, the Commission’s AMTS Rules must continue to strictly govern this proceeding.

Despite the guidance provided by the Commission’s Rules, the parties have struggled with agreeing on the definition of critical terms. Indeed, as the Judge acutely noted, “the Enforcement Bureau and Maritime Communications are at a virtual stand-off in discovery with regard to accounting for Maritime’s site-based stations that are (a) operating; (b) not operating; (c) not known to be operating; (d) not operating temporarily; (e) not operating permanently; (f)

deleted. It is because of this stand-off that on August 7, 2012, Judge Sippel ordered (“*Order*”) that:

Maritime Communications, in conjunction with other parties, SHALL PREPARE a GLOSSARY of terms pertaining to in (sic) the AMTS (Automated Marine Telecommunications System), industry the CMRS (Commercial Mobile Radio Service), industry and the WRS (Wireless Radio Services) that are necessary, helpful or useful in understanding issues being litigated in this case...

While SkyTel-O applauds the Judge’s proactive attempt to streamline this process, the adoption of a Glossary presents an unwary trap that could severely taint these proceedings to the extent new definitive terms are adopted—terms that could well be inconsistent with the AMTS rules that govern Maritime’s licenses. For these reasons, SkyTel-O objects to the adoption of any term that is not soundly based on the applicable rule governing AMTS.

II. ARGUMENT

A. The Relevant Commission Rules Must Dictate How Terms are Defined

There can be no dispute that this proceeding must be guided by the definitions found in the Commission’s own rules. Indeed, it would be error to allow a party to establish new definitions that control and govern the proceedings. If Maritime, or any party for that matter, seeks to propose a new definition that is not expressly based on the Commission’s Rules and orders, that party must file for a rulemaking to establish the definition. *See, e.g., New York University*, 10 FCC 2d 53, 55 (Rev. Bd. 1967), review denied FCC 68-609, released June 12, 1968 (an applicant in a contested case proposed a new definition of an FM station and was told to file for rulemaking).⁶

⁶ Maritime cannot now create new definitions that are critical to Issue (g). Maritime, and its predecessors, have had decades to obtain rule changes and clarifications, and in fact did that. All parties are bound to the existing rules (or that existed at the pertinent time). Any other approach is simply unfair and inconsistent with federal law.

B. Accepting New Terms that are Non-Existent in the Rules Is An *Ultra Vires* Rulemaking

The Judge appointed to oversee this adjudication has no authority to create new rules or act in contravention to existing FCC rules. *See* 47 C.F.R. § 0.341 (Authority of Administrative Law Judge). While the FCC has authority to delegate certain responsibilities, those responsibilities cannot be exercised in contravention of FCC rules, policies and orders.⁷ Likewise, the Judge cannot himself initiate a rulemaking or create substantive rules.⁸ Thus, adopting and relying on a Glossary that contains critical terms to the adjudication of Issue (g) is likely to constitute an *ultra vires* action. The simple and correct course is for the Judge to use only the applicable terms contained in the AMTS rules.

C. If Any Definition is Unclear or Ambiguous from the Rules the Matter Would Need to Be Referred to the Wireless Bureau

As explained in the Order, the apparent need for the Glossary stems from the inability of Maritime and the Enforcement Bureau to agree on the meaning of certain terms critical to Issue (g).⁹ While in theory the notion of having adversaries agree to or stipulate to critical terms is laudable, the reality is that unless the terms are defined with strict adherence to established rules and orders, there is the real potential that the accepted Glossary will be invalid as inconsistent with, or beyond the scope of the existing AMTS rules. At a bare minimum, a Glossary that is

⁷ As an entity with delegated authority, the Judge must abide by the rules of the governing agency, the FCC.

⁸ A delegation of authority from the full Commission to an official or group thereof must be within the clear scope of the rule delegating specific tasks and responsibilities to the delegate. *800 MHz Specialized Mobile Radio Service*, Second Memorandum Opinion & Order on Reconsideration, 14 FCC Rcd. 21068, ¶ 5 (1999). While the Commission can delegate authority to subordinate entities, the Commission must retain ultimate authority and responsibility for FCC rules and their enforcement. *Southwest Pennsylvania Cable TV, Inc. v. FCC*, 514 F.2d 1343 (D.C. Cir. 1975). The Commission has recognized that it must have the ultimate review of any matters delegated that are within the FCC's authority. *United Utilities, Inc.*, Memorandum Opinion & Order, 59 Rad. Reg. 2d (P&F) 1161, ¶ 6 (1986).

⁹ *See Order*.

broader than the applicable AMTS rules would need a referral to the Wireless Bureau—something that could further delay this proceeding. On the other hand, SkyTel-O's position that only existing definitions contained in the AMTS rules would most likely avoid any need for referral to the Wireless Bureau.

D. The Relevant Rules and Orders Must Govern this Proceeding.

For the reasons set forth above, it would be wholly improper to adopt terms not based on the relevant Rules and Orders. SkyTel-O submits that only a handful of the Commission's Rules deal with Issue (g). For ease of reference, the rules material to Issue (g) are attached hereto as **Exhibit 1**.

CONCLUSION

For the foregoing reasons, SkyTel-O respectfully requests the Judge take the above-comments into consideration, as well as the attached substantive comments on the Glossary, and not use any terms or definitions not contained in the AMTS rules to decide Issue (g).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Robert H. Jackson", with a long horizontal flourish extending to the right.

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DATED: October 2, 2012

CERTIFICATE OF SERVICE

I, Edward Lee, hereby certify that on this 2nd day of October, 2012, a true copy of the Opposition to Maritime's Draft Glossary was served upon the following in the delivery manner identified:

Via email and First Class Mail

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A handwritten signature in black ink, appearing to read 'Edward Lee', positioned above a horizontal line.

Edward Lee

Exhibit 1

47 C.F.R. § 1.946

Federal Communications Commission

§ 1.946

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, revocation, or non-renewal of any other existing license;

(4) A grant of the application would not preclude the grant of any mutually exclusive application; and

(5) A grant of the application would serve the public interest, convenience, and necessity.

(d) *Grant of petitioned applications.* The FCC may grant, without a formal hearing, an application against which petition(s) to deny have been filed. If any petition(s) to deny are pending (i.e. have not been dismissed or withdrawn by the petitioner) when an application is granted, the FCC will deny the petition(s) and issue a concise statement of the reason(s) for the denial, disposing of all substantive issues raised in the petitions.

(e) *Partial and conditional grants.* The FCC may grant applications in part, and/or subject to conditions other than those normally applied to authorizations of the same type. When the FCC does this, it will inform the applicant of the reasons therefor. Such partial or conditional grants are final unless the FCC revises its action in response to a petition for reconsideration. Such petitions for reconsideration must be filed by the applicant within thirty days after the date of the letter or order stating the reasons for the partial or conditional grant, and must reject the partial or conditional grant and return the instrument of authorization.

(f) *Designation for hearing.* If the Commission is unable to make the findings prescribed in subparagraph (c), it will formally designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action.

(1) Orders designating applications for hearing will specify with particularity the matters in issue.

(2) Parties in interest, if any, who are not notified by the Commission of its action in designating a particular application for hearing may acquire the

status of a party to the proceeding by filing a petition for intervention showing the basis of their interest not more than 30 days after publication in the FEDERAL REGISTER of the hearing issues or any substantial amendment thereto.

(3) The applicant and all other parties in interest shall be permitted to participate in any hearing subsequently held upon such applications. Hearings may be conducted by the Commission or by the Chief of the Wireless Telecommunications Bureau, or, in the case of a question which requires oral testimony for its resolution, an Administrative Law Judge. The burden of proceeding with the introduction of evidence and burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission or the Chief of the Wireless Telecommunications Bureau.

[63 FR 68932, Dec. 14, 1998]

§ 1.946 Construction and coverage requirements.

(a) *Construction and commencement of service requirements.* For each of the Wireless Radio Services, requirements for construction and commencement of service or commencement of operations are set forth in the rule part governing the specific service. For purposes of this section, the period between the date of grant of an authorization and the date of required commencement of service or operations is referred to as the construction period.

(b) *Coverage and substantial service requirements.* In certain Wireless Radio Services, licensees must comply with geographic coverage requirements or substantial service requirements within a specified time period. These requirements are set forth in the rule part governing each specific service. For purposes of this section, the period between the date of grant of an authorization and the date that a particular degree of coverage or substantial service is required is referred to as the coverage period.

(c) *Termination of authorizations.* If a licensee fails to commence service or

operations by the expiration of its construction period or to meet its coverage or substantial service obligations by the expiration of its coverage period, its authorization terminates automatically, without specific Commission action, on the date the construction or coverage period expires.

(d) *Licensee notification of compliance.* A licensee who commences service or operations within the construction period or meets its coverage or substantial service obligations within the coverage period must notify the Commission by filing FCC Form 601. The notification must be filed with the Commission within 15 days of the expiration of the applicable construction or coverage period. Where the authorization is site-specific, if service or operations have begun using some, but not all, of the authorized transmitters, the notification must show to which specific transmitters it applies.

(e) *Requests for extension of time.* Licensees may request to extend a construction period or coverage period by filing FCC Form 601. The request must be filed before the expiration of the construction or coverage period.

(1) An extension request may be granted if the licensee shows that failure to meet the construction or coverage deadline is due to involuntary loss of site or other causes beyond its control.

(2) Extension requests will not be granted for failure to meet a construction or coverage deadline due to delays caused by a failure to obtain financing, to obtain an antenna site, or to order equipment in a timely manner. If the licensee orders equipment within 90 days of its initial license grant, a presumption of diligence is established.

(3) Extension requests will not be granted for failure to meet a construction or coverage deadline because the licensee undergoes a transfer of control or because the licensee intends to assign the authorization. The Commission will not grant extension requests solely to allow a transferee or assignee to complete facilities that the transferor or assignor failed to construct.

(4) The filing of an extension request does not automatically extend the construction or coverage period unless the

request is based on involuntary loss of site or other circumstances beyond the licensee's control, in which case the construction period is automatically extended pending disposition of the extension request.

(5) A request for extension of time to construct a particular transmitter or other facility does not extend the construction period for other transmitters and facilities under the same authorization.

[63 FR 68933, Dec. 14, 1998]

§ 1.947 Modification of licenses.

(a) All major modifications, as defined in § 1.929 of this part, require prior Commission approval. Applications for major modifications also shall be treated as new applications for determination of filing date, Public Notice, and petition to deny purposes.

(b) Licensees may make minor modifications to station authorizations, as defined in § 1.929 of this part (other than pro forma transfers and assignments), as a matter of right without prior Commission approval. Where other rule parts permit licensees to make permissive changes to technical parameters without notifying the Commission (e.g., adding, modifying, or deleting internal sites), no notification is required. For all other types of minor modifications (e.g., name, address, point of contact changes), licensees must notify the Commission by filing FCC Form 601 within thirty (30) days of implementing any such changes.

(c) Multiple pending modification applications requesting changes to the same or related technical parameters on an authorization are not permitted. If a modification application is pending, any additional changes to the same or related technical parameters may be requested only in an amendment to the pending modification application.

(d) Any proposed modification that requires a fee as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 1.913.

[63 FR 68933, Dec. 14, 1998, as amended at 64 FR 53240, Oct. 1, 1999]

47 C.F.R. § 1.955

Federal Communications Commission

§ 1.956

notice, unless otherwise specified. Responses to official communications must be complete and self-contained without reference to other communications unless copies of such other communications are attached to the response. Licensees or applicants may respond via ULIS.

[63 FR 68934, Dec. 14, 1998]

§ 1.955 Termination of authorizations.

(a) Authorizations in general remain valid until terminated in accordance with this section, except that the Commission may revoke an authorization pursuant to section 312 of the Communications Act of 1934, as amended. *See* 47 U.S.C. 312.

(1) *Expiration.* Authorizations automatically terminate, without specific Commission action, on the expiration date specified therein, unless a timely application for renewal is filed. *See* § 1.949 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years.

(2) *Failure to meet construction or coverage requirements.* Authorizations automatically terminate, without specific Commission action, if the licensee fails to meet applicable construction or coverage requirements. *See* § 1.948(c) of this part.

(3) *Service discontinued.* Authorizations automatically terminate, without specific Commission action, if service is permanently discontinued. The Commission authorization or the individual service rules govern the definition of permanent discontinuance for purposes of this section. A licensee who discontinues operations shall notify the Commission of the discontinuance of operations by submitting FCC Form 601 or 605 requesting license cancellation.

(b) Special temporary authority (STA) automatically terminates without specific Commission action upon failure to comply with the terms and conditions therein, or at the end of the period specified therein, unless a timely request for an extension of the STA term is filed in accordance with § 1.931 of this part. If a timely filed request for extension of the STA term is dismissed or denied, the STA automatically terminates, without specific

Commission action, on the day after the applicant or the applicant's attorney is notified of the Commission's action dismissing or denying the request for extension.

(c) Authorizations submitted by licensees for cancellation terminate when the Commission gives Public Notice of such action.

[63 FR 68934, Dec. 14, 1998, as amended at 64 FR 53240, Oct. 1, 1999]

EDITORIAL NOTE: At 64 FR 53240, Oct. 1, 1999, § 1.955 was amended by revising the last sentence of paragraph (b)(2) to read "See § 1.946(c) of this part.", effective Nov. 30, 1999. However, paragraph (b)(2) does not exist in the 1998 volume.

§ 1.956 Settlement conferences.

Parties are encouraged to use alternative dispute resolution procedures to settle disputes. *See* subpart E of this part. In any contested proceeding, the Commission, in its discretion, may direct the parties or their attorneys to appear before it for a conference.

(a) The purposes of such conferences are:

(1) To obtain admissions of fact or stipulations between the parties as to any or all of the matters in controversy;

(2) To consider the necessity for or desirability of amendments to the pleadings, or of additional pleadings or evidentiary submissions;

(3) To consider simplification or narrowing of the issues;

(4) To encourage settlement of the matters in controversy by agreement between the parties; and

(5) To consider other matters that may aid in the resolution of the contested proceeding.

(b) Conferences are scheduled by the Commission at a time and place it may designate, to be conducted in person or by telephone conference call.

(c) The failure of any party or attorney, following reasonable notice, to appear at a scheduled conference will be deemed a failure to prosecute, subjecting that party's application or petition to dismissal by the Commission.

[63 FR 68935, Dec. 14, 1998]

47 C.F.R. § 20.3

SUBCHAPTER B—COMMON CARRIER SERVICES

PART 20—COMMERCIAL MOBILE RADIO SERVICES

- Sec.
20.1 Purpose.
20.3 Definitions.
20.5 Citizenship.
20.6 CMRS spectrum aggregation limit.
20.7 Mobile services.
20.9 Commercial mobile radio service.
20.11 Interconnection to facilities of local exchange carriers.
20.12 Resale and roaming.
20.13 State petitions for authority to regulate rates.
20.15 Requirements under Title II of the Communications Act.
20.18 911 Service.
20.20 Conditions applicable to provision of CMRS service by incumbent Local Exchange Carriers.

AUTHORITY: 47 U.S.C. 154, 160, 251-254, 303, and 332 unless otherwise noted.

SOURCE: 59 FR 18495, Apr. 19, 1994, unless otherwise noted.

§ 20.1 Purpose.

The purpose of these rules is to set forth the requirements and conditions applicable to commercial mobile radio service providers.

§ 20.3 Definitions.

Automatic Number Identification (ANI). A system that identifies the billing account for a call. For 911 systems, the ANI identifies the calling party and may be used as a call back number.

Commercial mobile radio service. A mobile service that is:

- (a)(1) provided for profit, *i.e.*, with the intent of receiving compensation or monetary gain;
- (2) An interconnected service; and
- (3) Available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or

(b) The functional equivalent of such a mobile service described in paragraph (a) of this section.

Designated PSAP. The Public Safety Answering Point (PSAP) designated by the local or state entity that has the authority and responsibility to designate the PSAP to receive wireless 911 calls.

Incumbent Wide Area SMR Licensees. Licensees who have obtained extended implementation authorizations in the 800 MHz or 900 MHz service, either by waiver or under Section 90.629 of these rules, and who offer real-time, two-way voice service that is interconnected with the public switched network.

Handset-based location technology. A method of providing the location of wireless 911 callers that requires the use of special location-determining hardware and/or software in a portable or mobile phone. Handset-based location technology may also employ additional location-determining hardware and/or software in the CMRS network and/or another fixed infrastructure.

Interconnection or Interconnected. Direct or indirect connection through automatic or manual means (by wire, microwave, or other technologies such as store and forward) to permit the transmission or reception of messages or signals to or from points in the public switched network.

Interconnected Service. A service: (a) That is interconnected with the public switched network, or interconnected with the public switched network through an interconnected service provider, that gives subscribers the capability to communicate to or receive communication from all other users on the public switched network; or

(b) For which a request for such interconnection is pending pursuant to section 332(c)(1)(B) of the Communications Act, 47 U.S.C. 332(c)(1)(B). A mobile service offers interconnected service even if the service allows subscribers to access the public switched network only during specified hours of the day, or if the service provides general access to points on the public switched network but also restricts access in certain limited ways. Interconnected service does not include any interface between a licensee's facilities and the public switched network exclusively for a licensee's internal control purposes.

Location-capable handsets. Portable or mobile phones that contain special location-determining hardware and/or

software, which is used by a licensee to locate 911 calls.

Mobile Service. A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:

(a) Both one-way and two-way radio communications services;

(b) A mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and

(c) Any service for which a license is required in a personal communications service under part 24 of this chapter.

Network-based Location Technology. A method of providing the location of wireless 911 callers that employs hardware and/or software in the CMRS network and/or another fixed infrastructure, and does not require the use of special location-determining hardware and/or software in the caller's portable or mobile phone.

Private Mobile Radio Service. A mobile service that is neither a commercial mobile radio service nor the functional equivalent of a service that meets the definition of commercial mobile radio service. Private mobile radio service includes the following:

(a) Not-for-profit land mobile radio and paging services that serve the licensee's internal communications needs as defined in part 90 of this chapter. Shared-use, cost-sharing, or cooperative arrangements, multiple licensed systems that use third party managers or users combining resources to meet compatible needs for specialized internal communications facilities in compliance with the safeguards of § 90.179 of this chapter are presumptively private mobile radio services;

(b) Mobile radio service offered to restricted classes of eligible users. This includes entities eligible in the Public Safety Radio Pool and Radiolocation service.

(c) 220–222 MHz land mobile service and Automatic Vehicle Monitoring systems (part 90 of this chapter) that do

not offer interconnected service or that are not-for-profit; and

(d) Personal Radio Services under part 95 of this chapter (General Mobile Services, Radio Control Radio Services, and Citizens Band Radio Services); Maritime Service Stations (excluding Public Coast stations) (part 80 of this chapter); and Aviation Service Stations (part 87 of this chapter).

Pseudo Automatic Number Identification (Pseudo-ANI). A number, consisting of the same number of digits as ANI, that is not a North American Numbering Plan telephone directory number and may be used in place of an ANI to convey special meaning. The special meaning assigned to the pseudo-ANI is determined by agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system.

Public Safety Answering Point. A point that has been designated to receive 911 calls and route them to emergency service personnel.

Public Switched Network. Any common carrier switched network, whether by wire or radio, including local exchange carriers, interexchange carriers, and mobile service providers, that use the North American Numbering Plan in connection with the provision of switched services.

[59 FR 18495, Apr. 19, 1994, as amended at 61 FR 38402, July 24, 1996; 61 FR 40352, Aug. 2, 1996; 62 FR 18843, Apr. 17, 1997; 63 FR 2637, Jan. 16, 1998; 64 FR 60130, Nov. 4, 1999]

§ 20.5 Citizenship.

(a) This rule implements section 310 of the Communications Act, 47 U.S.C. 310, regarding the citizenship of licensees in the commercial mobile radio services. Commercial mobile radio service authorizations may not be granted to or held by:

(1) Any foreign government or any representative thereof;

(2) Any alien or the representative of any alien;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof

47 C.F.R. § 20.9

§ 20.7

faith misrepresentations and shall invoke the condition on the initial license or the assignment or transfer, cancelling or rescinding it automatically, shall retain all monies paid to the Commission, and, based on the facts presented, shall take any other action it may deem appropriate.

NOTE 1 TO § 20.6: For purposes of the ownership attribution limit, all ownership interests in operations that serve at least 10 percent of the population of the PCS service area should be included in determining the extent of a PCS applicant's cellular or SMR ownership.

NOTE 2 TO § 20.6: When a party owns an attributable interest in more than one cellular or SMR system that overlaps a PCS service area, the total population in the overlap area will apply on a cumulative basis.

NOTE 3 TO § 20.6: Waivers of § 20.6(d) may be granted upon an affirmative showing:

(1) That the interest holder has less than a 50 percent voting interest in the licensee and there is an unaffiliated single holder of a 50 percent or greater voting interest;

(2) That the interest holder is not likely to affect the local market in an anticompetitive manner;

(3) That the interest holder is not involved in the operations of the licensee and does not have the ability to influence the licensee on a regular basis; and

(4) That grant of a waiver is in the public interest because the benefits to the public of common ownership outweigh any potential anticompetitive harm to the market.

[64 FR 54574, Oct. 7, 1999]

§ 20.7 Mobile services.

The following are mobile services within the meaning of sections 3(n) and 332 of the Communications Act, 47 U.S.C. 153(n), 332.

(a) Public mobile services (part 22 of this chapter), including fixed operations that support the mobile systems, but excluding Rural Radio Service and Basic Exchange Telecommunications Radio Service (part 22, subpart H of this chapter);

(b) Private land mobile services (part 90 of this chapter), including secondary fixed operations, but excluding fixed services such as call box operations and meter reading;

(c) Mobile satellite services (part 25 of this chapter) including dual-use equipment, terminals capable of transmitting while a platform is moving, but excluding satellite facilities provided through a transportable platform

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that cannot move when the communications service is offered;

(d) Marine and aviation services (parts 80 and 87 of this chapter), including fixed operations that support these marine and aviation mobile systems;

(e) Personal radio services (part 95 of this chapter), but excluding 218–219 MHz Service;

(f) Personal communications services (part 24 of this chapter);

(g) Auxiliary services provided by mobile service licensees, and ancillary fixed communications offered by personal communications service providers;

(h) Unlicensed services meeting the definition of commercial mobile radio service in § 20.3, such as the resale of commercial mobile radio services, but excluding unlicensed radio frequency devices under part 15 of this chapter (including unlicensed personal communications service devices).

[59 FR 18495, Apr. 19, 1994, as amended at 63 FR 54077, Oct. 8, 1998]

§ 20.9 Commercial mobile radio service.

(a) The following mobile services shall be treated as common carriage services and regulated as commercial mobile radio services (including any such service offered as a hybrid service or offered on an excess capacity basis to the extent it meets the definition of commercial mobile radio service, or offered as an auxiliary or ancillary service), pursuant to Section 332 of the Communications Act, 47 U.S.C. 332:

(1) Private Paging (part 90 of this chapter), excluding not-for-profit paging systems that serve only the licensee's own internal communications needs;

(2) Stations that offer Industrial/Business Pool (§ 90.35 of this chapter) eligibles for-profit, interconnected service;

(3) Land Mobile Systems on 220–222 MHz (part 90 of this chapter), except services that are not-for-profit or do not offer interconnected service;

(4) Specialized Mobile Radio services that provide interconnected service (part 90 of this chapter);

(5) Public Coast Stations (part 80, subpart J of this chapter);

(6) Paging and Radiotelephone Service (part 22, subpart E of this chapter).

(7) Cellular Radiotelephone Service (part 22, subpart H of this chapter).

(8) Air-Ground Radiotelephone Service (part 22, subpart G of this chapter).

(9) Offshore Radiotelephone Service (part 22, subpart I of this chapter).

(10) Any mobile satellite service involving the provision of commercial mobile radio service (by licensees or resellers) directly to end users, except that mobile satellite licensees and other entities that sell or lease space segment capacity, to the extent that it does not provide commercial mobile radio service directly to end users, may provide space segment capacity to commercial mobile radio service providers on a non-common carrier basis, if so authorized by the Commission;

(11) Personal Communications Services (part 24 of this chapter), except as provided in paragraph (b) of this section;

(12) Mobile operations in the 218–219 MHz Service (part 95, subpart F of this chapter) that provide for-profit interconnected service to the public;

(13) For-profit subsidiary communications services transmitted on subcarriers within the FM baseband signal, that provide interconnected service (47 CFR 73.295 of this chapter); and

(14) A mobile service that is the functional equivalent of a commercial mobile radio service.

(i) A mobile service that does not meet the definition of commercial mobile radio service is presumed to be a private mobile radio service.

(ii) Any interested party may seek to overcome the presumption that a particular mobile radio service is a private mobile radio service by filing a petition for declaratory ruling challenging a mobile service provider's regulatory treatment as a private mobile radio service.

(A) The petition must show that: (1) The mobile service in question meets the definition of commercial mobile radio service; or

(2) The mobile service in question is the functional equivalent of a service that meets the definition of a commercial mobile radio service.

(B) A variety of factors will be evaluated to make a determination whether

the mobile service in question is the functional equivalent of a commercial mobile radio service, including: consumer demand for the service to determine whether the service is closely substitutable for a commercial mobile radio service; whether changes in price for the service under examination, or for the comparable commercial mobile radio service would prompt customers to change from one service to the other; and market research information identifying the targeted market for the service under review.

(C) The petition must contain specific allegations of fact supported by affidavit(s) of person(s) with personal knowledge. The petition must be served on the mobile service provider against whom it is filed and contain a certificate of service to this effect. The mobile service provider may file an opposition to the petition and the petitioner may file a reply. The general rules of practice and procedure contained in §§1.1 through 1.52 of this chapter shall apply.

(b) Licensees of a Personal Communications Service or applicants for a Personal Communications Service license, and VHF Public Coast Station geographic area licensees or applicants, proposing to use any Personal Communications Service or VHF Public Coast Station spectrum to offer service on a private mobile radio service basis must overcome the presumption that Personal Communications Service and VHF Public Coast Stations are commercial mobile radio services.

(1) The applicant or licensee (who must file an application to modify its authorization) seeking authority to dedicate a portion of the spectrum for private mobile radio service, must include a certification that it will offer Personal Communications Service or VHF Public Coast Station service on a private mobile radio service basis. The certification must include a description of the proposed service sufficient to demonstrate that it is not within the definition of commercial mobile radio service in §20.3. Any application requesting to use any Personal Communications Service or VHF Public Coast Station spectrum to offer service on a private mobile radio service basis

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will be placed on public notice by the Commission.

(2) Any interested party may file a petition to deny the application within 30 days after the date of public notice announcing the acceptance for filing of the application. The petition shall contain specific allegations of fact supported by affidavit(s) of person(s) with personal knowledge to show that the applicant's request does not rebut the commercial mobile radio service presumption. The petition must be served on the applicant and contain a certificate of service to this effect. The applicant may file an opposition with allegations of fact supported by affidavit. The petitioner may file a reply. No additional pleadings will be allowed. The general rules of practice and procedure contained in §§1.1 through 1.52 of this chapter and §22.30 of this chapter shall apply.

(c) Any provider of private land mobile service before August 10, 1993 (including any system expansions, modifications, or acquisitions of additional licenses in the same service, even if authorized after this date), and any private paging service utilizing frequencies allocated as of January 1, 1993, that meet the definition of commercial mobile radio service, shall, except for purposes of §20.5 (applicable August 10, 1993 for the providers listed in this paragraph), be treated as private mobile radio service until August 10, 1996. After this date, these entities will be treated as commercial mobile radio service providers regulated under this part.

[59 FR 18495, Apr. 19, 1994, as amended at 62 FR 18843, Apr. 17, 1997; 63 FR 40062, July 27, 1998; 64 FR 26887, May 18, 1999; 64 FR 59659, Nov. 3, 1999; 66 FR 10968, Feb. 21, 2001]

§ 20.11 Interconnection to facilities of local exchange carriers.

(a) A local exchange carrier must provide the type of interconnection reasonably requested by a mobile service licensee or carrier, within a reasonable time after the request, unless such interconnection is not technically feasible or economically reasonable. Complaints against carriers under section 208 of the Communications Act, 47 U.S.C. 208, alleging a violation of this section shall follow the requirements

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of §§1.711–1.734 of this chapter, 47 CFR 1.711–1.734.

(b) Local exchange carriers and commercial mobile radio service providers shall comply with principles of mutual compensation.

(1) A local exchange carrier shall pay reasonable compensation to a commercial mobile radio service provider in connection with terminating traffic that originates on facilities of the local exchange carrier.

(2) A commercial mobile radio service provider shall pay reasonable compensation to a local exchange carrier in connection with terminating traffic that originates on the facilities of the commercial mobile radio service provider.

(c) Local exchange carriers and commercial mobile radio service providers shall also comply with applicable provisions of part 51 of this chapter.

[59 FR 18495, Apr. 19, 1994, as amended at 61 FR 45619, Aug. 29, 1996]

§ 20.12 Resale and roaming.

(a) *Scope of section.* This section is applicable to providers of Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), and Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in part 90, subpart S of this chapter) if such providers offer real-time, two-way switched voice or data service that is interconnected with the public switched network and utilizes an in-network switching facility that enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls. The scope of paragraph (b) of this section, concerning the resale rule, is further limited so as to exclude from the requirements of that paragraph those Broadband Personal Communications Services C, D, E, and F block licensees that do not own and control and are not owned and controlled by firms also holding cellular, A, or B block licenses.

(b) *Resale.* The resale rule is applicable as follows:

(1) Each carrier subject to paragraph (b) of this section shall not restrict the resale of its services, unless the carrier

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§ 80.5 Definitions.

Alaska—public fixed station. A fixed station in Alaska which is open to public correspondence and is licensed by the Commission for radio communication with Alaska-Private fixed stations on paired channels.

Alaska—private fixed station. A fixed station in Alaska which is licensed by the Commission for radio communication within Alaska and with associated ship stations, on single frequency channels. Alaska-private fixed stations are also eligible to communicate with Alaska-public fixed stations on paired channels.

Associated ship unit. A portable VHF transmitter for use in the vicinity of the ship station with which it is associated.

Automated maritime telecommunications system (AMTS). An automatic, integrated and interconnected maritime communications system.

Automated mutual-assistance vessel rescue system (AMVER). An international system, operated by the U.S. Coast Guard, which provides aid to the development and coordination of search and rescue (SAR) efforts. Data is made available to recognized SAR agencies or vessels of any nation for reasons related to marine safety.

Bridge-to-bridge station. A radio station located on a ship's navigational bridge or main control station operating on a specified frequency which is used only for navigational communications, in the 156–162 MHz band.

Cargo ship safety radio certificate. A certificate issued after a ship passes an inspection of the required radiotelegraph, radiotelephone or GMDSS radio installation. Issuance of this certificate indicates that the vessel complies with the Communications Act and the Safety Convention.

Cargo ship safety radiotelegraphy certificate. A certificate issued after a ship passes an inspection of a radiotelegraph installation. Issuance of this certificate indicates that the vessel complies with the Communications Act and the Safety Convention.

Cargo ship safety radiotelephony certificate. A certificate issued after a ship passes an inspection of a radiotelephone installation. Issuance of this certificate indicates that the vessel

complies with the Communications Act and the Safety Convention.

Categories of ships. (1) When referenced in Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, a ship is a *passenger ship* if it carries or is licensed or certificated to carry more than twelve passengers. A *cargo ship* is any ship not a passenger ship.

(2) A *commercial transport vessel* is any ship which is used primarily in commerce (i) for transporting persons or goods to or from any harbor(s) or port(s) or between places within a harbor or port area, or (ii) in connection with the construction, change in construction, servicing, maintenance, repair, loading, unloading, movement, piloting, or salvaging of any other ship or vessel.

(3) The term *passenger carrying vessel*, when used in reference to Part III, Title III of the Communications Act of the Great Lakes Radio Agreement, means any ship transporting more than six passengers for hire.

(4) *Power-driven vessel.* Any ship propelled by machinery.

(5) *Towing vessel.* Any commercial ship engaged in towing another ship astern, alongside or by pushing ahead.

(6) *Compulsory ship.* Any ship which is required to be equipped with radiotelecommunication equipment in order to comply with the radio or radio-navigation provisions of a treaty or statute to which the vessel is subject.

(7) *Voluntary ship.* Any ship which is not required by treaty or statute to be equipped with radiotelecommunication equipment.

Coast station. A land station in the maritime mobile service.

Commercial communications. Communications between coast stations and ship stations aboard commercial transport vessels, or between ship stations aboard commercial transport vessels, which relate directly to the purposes for which the ship is used including the piloting of vessels, movements of vessels, obtaining vessel supplies, and scheduling of repairs.

Day. (1) Where the word *day* is applied to the use of a specific frequency assignment or to a specific authorized transmitter power, its use means

transmission on the frequency assignment or with the authorized transmitter power during that period of time included between one hour after local sunrise and one hour before local sunset.

(2) Where the word *day* occurs in reference to watch requirements, or to equipment testing, its use means the calendar day, from midnight to midnight, local time.

Digital selective calling (DSC). A synchronous system developed by the International Radio Consultative Committee (CCIR), used to establish contact with a station or group of stations automatically by means of radio. The operational and technical characteristics of this system are contained in CCIR Recommendation 493.

Direction finder (radio compass). Apparatus capable of receiving radio signals and taking bearings on these signals from which the true bearing and direction of the point of origin may be determined.

Distress signal. The distress signal is an internationally recognized radiotelegraph or radiotelephone transmission which indicates that a ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance.

(1) In radiotelegraphy, the international distress signal consists of the group "three dots, three dashes, three dots", transmitted as a single signal in which the dashes are emphasized so as to be distinguished clearly from the dots.

(2) In radiotelephony, the international distress signal consists of the enunciation of the word "Mayday", pronounced as the French expression "m'aider". In case of distress, transmission of this particular signal is intended to ensure recognition of a radiotelephone distress call by stations of any nationality.

Distress traffic. All messages relative to the immediate assistance required by a ship, aircraft, or other vehicle in distress.

Emergency position indicating radio-beacon (EPIRB) station. A station in the maritime mobile service the emissions of which are intended to facilitate search and rescue operations.

Environmental communications. Broadcasts of information about the environmental conditions in which vessels operate, i.e., weather, sea conditions, time signals adequate for practical navigation, notices to mariners, and hazards to navigation.

Fleet radio station license. An authorization issued by the Commission for two or more ships having a common owner or operator.

Global maritime distress and safety system (GMDSS). An International Maritime Organization (IMO) worldwide coordinated maritime distress system designed to provide the rapid transfer of distress messages from vessels in distress to units best suited for giving or coordinating assistance. The system includes standardized equipment and operational procedures, unique identifiers for each station, and the integrated use of frequency bands and radio systems to ensure the transmission and reception of distress and safety calls and messages at short, medium and long ranges.

Great Lakes. This term, used in this part in reference to the Great Lakes Radio Agreement, means all of Lakes Ontario, Erie, Huron (including Georgian Bay), Michigan, Superior, their connecting and tributary waters and the St. Lawrence River as far east as the lower exit of the St. Lambert Lock as Montreal in the Province of Quebec, Canada, but does not include any connecting and tributary waters other than: the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River and the Welland Canal.

Harbor or port. Any place to which ships may resort for shelter, or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term applies to such places whether proclaimed public or not and whether natural or artificial.

Inland waters. This term, as used in reference to waters of the United States, its territories and possessions, means waters that lie landward of the boundary lines of inland waters as contained in 33 CFR part 82, as well as waters within its land territory, such as rivers and lakes, over which the United States exercises sovereignty.

Marine utility station. A station in the maritime mobile service consisting of

one or more handheld radiotelephone units licensed under a single authorization. Each unit is capable of operation while being hand-carried by an individual. The station operates under the rules applicable to ship stations when the unit is aboard a vessel, and under the rules applicable to private coast stations when the unit is on land.

Maritime control communications. Communications between private coast and ship stations or between ship stations licensed to a state or local governmental entity, which relate directly to the control of boating activities or assistance to ships.

Maritime mobile repeater station. A land station at a fixed location established for the automatic retransmission of signals to extend the range of communication of ship and coast stations.

Maritime mobile-satellite service. A mobile-satellite service in which mobile earth stations are located on board ships. Survival craft stations and EPIRB stations may also participate in this service.

Maritime mobile service. A mobile service between coast stations and ship stations, or between ship stations, or between associated on-board communication stations. Survival craft stations and EPIRB stations also participate in this service.

Maritime mobile service identities. An international system for the identification of radio stations in the maritime mobile service. The system is comprised of a series of nine digits which are transmitted over the radio path to uniquely identify ship stations, ship earth stations, coast stations, coast earth stations and groups of stations.

Maritime radiodetermination service. A maritime radiocommunication service for determining the position, velocity, and/or other characteristics of an object, or the obtaining of information relating to these parameters, by the propagation properties of radio waves.

Maritime support station. A station on land used in support of the maritime services to train personnel and to demonstrate, test and maintain equipment.

Navigable waters. This term, as used in reference to waters of the United States, its territories and possessions, means the waters shoreward of the

baseline of its territorial sea and internal waters as contained in 33 CFR 2.05–25.

Navigational communications. Safety communications pertaining to the maneuvering of vessels or the directing of vessel movements. Such communications are primarily for the exchange of information between ship stations and secondarily between ship stations and coast stations.

Noncommercial communications. Communication between coast stations and ship stations other than commercial transport ships, or between ship stations aboard other than commercial transport ships which pertain to the needs of the ship.

Non-selectable transponder. A transponder whose coded response is displayed on any conventional radar operating in the appropriate band.

On-board communication station. A low-powered mobile station in the maritime mobile service intended for use for internal communications on board a ship, or between a ship and its lifeboats and liferafts during lifeboat drills or operations, or for communication within a group of vessels being towed or pushed, as well as for line handling and mooring instructions.

On-board repeater. A radio station that receives and automatically retransmits signals between on-board communication stations.

Open sea. The water area of the open coast seaward of the ordinary low-water mark, or seaward of inland waters.

Operational fixed station. A fixed station, not open to public correspondence, operated by entities that provide their own radiocommunication facilities in the private land mobile, maritime or aviation services.

Passenger ship safety certificate. A certificate issued by the Commandant of the Coast Guard after inspection of a passenger ship which complies with the requirements of the Safety Convention.

Pilot. Pilot means a Federal pilot required by 46 U.S.C. 764, a state pilot required under the authority of 46 U.S.C. 211, or a registered pilot required by 46 U.S.C. 216.

Port operations communications. Communications in or near a port, in locks or in waterways between coast stations

and ship stations or between ship stations, which relate to the operational handling, movement and safety of ships and in emergency to the safety of persons.

Portable ship station. A ship station which includes a single transmitter intended for use upon two or more ships.

Private coast station. A coast station, not open to public correspondence, which serves the operational, maritime control and business needs of ships.

Public coast station. A coast station that offers radio communication common carrier services to ship radio stations.

Public correspondence. Any telecommunication which the offices and stations must, by reason of their being at the disposal of the public, accept for transmission.

Radar beacon (RACON). A receiver-transmitter which, when triggered by a radar, automatically returns a distinctive signal which can appear on the display of the triggering radar, providing range, bearing and identification information.

Radioprinter operations. Communications by means of a direct printing radiotelegraphy system using any alphanumeric code, within specified bandwidth limitations, which is authorized for use between private coast stations and their associated ship stations on vessels of less than 1600 gross tons.

Safety communication. The transmission or reception of distress, alarm, urgency, or safety signals, or any communication preceded by one of these signals, or any form of radiocommunication which, if delayed in transmission or reception, may adversely affect the safety of life or property.

Safety signal. (1) The safety signal is the international radiotelegraph or radiotelephone signal which indicates that the station sending this signal is preparing to transmit a message concerning the safety of navigation or giving important meteorological warnings.

(2) In radiotelegraphy, the international safety signals consists of three repetitions of the group "TTT", sent before the call, with the letters of

each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international safety signal consists of three oral repetitions of "Security", pronounced as the French word "Securite", sent before the call.

Selectable transponder. A transponder whose coded response may be inhibited or displayed on a radar on demand by the operator of that radar.

Selective calling. A means of calling in which signals are transmitted in accordance with a prearranged code to operate a particular automatic attention device at the station whose attention is sought.

Ship earth station. A mobile earth station in the maritime mobile-satellite service located on board ship.

Ship or vessel. Ship or vessel includes every description of watercraft or other artificial contrivance, except aircraft, capable of being used as a means of transportation on water whether or not it is actually afloat.

Ship radio station license. An authorization issued by the Commission to operate a radio station onboard a vessel.

Ship station. A mobile station in the maritime mobile service located onboard a vessel which is not permanently moored, other than a survival craft station.

Station. One or more transmitters or a combination of transmitters and receivers, including the accessory equipment, necessary at one location for carrying on radiocommunication services.

Survival craft station. A mobile station in the maritime or aeronautical mobile service intended solely for survival purposes and located on any lifeboat, liferaft or other survival equipment.

Underway. A vessel is underway when it is not at anchor, made fast to the shore, or aground.

Urgency signal. (1) The urgency signal is the international radiotelegraph or radiotelephone signal which indicates that the calling station has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

(2) In radiotelegraphy, the international urgency signal consists of three repetitions of the group “XXX”, sent before the call, with the letters of each group and the successive groups clearly separated from each other.

(3) In radiotelephony, the international urgency signal consists of three oral repetitions of the group of words “PAN PAN”, each word of the group pronounced as the French word “PANNE” and sent before the call.

Vessel traffic service (VTS). A U.S. Coast Guard traffic control service for ships in designated water areas to prevent collisions, groundings and environmental harm.

Watch. The act of listening on a designated frequency.

[61 FR 31213, Sept. 2, 1986, as amended at 52 FR 7417, Mar. 11, 1987; 52 FR 35244, Sept. 18, 1987; 56 FR 3783, Jan. 31, 1991; 57 FR 26778, June 16, 1992; 58 FR 16504, Mar. 29, 1993; 60 FR 35510, July 10, 1995; 63 FR 29658, June 1, 1998]

Subpart B—Applications and Licenses

§ 80.11 Scope.

This subpart contains the procedures and requirements for the filing of applications for licenses to operate radio facilities in the maritime services. Part 1 of the Commission’s rules contains the general rules of practice and procedure applicable to proceedings before the FCC.

§ 80.13 Station license required.

(a) Except as noted in paragraph (c) of this section, stations in the maritime service must be licensed by the FCC either individually or by fleet.

(b) One ship station license will be granted for operation of all maritime services transmitting equipment on board a vessel. Radiotelegraph and narrow-band directing-printing equipment will not be authorized, however, unless specifically requested by the applicant.

(c) A ship station is licensed by rule and does not need an individual license issued by the FCC if the ship station is not subject to the radio equipment carriage requirements any statute, treaty or agreement to which the United States is signatory, the ship station does not travel to foreign ports, and the ship station does not make inter-

national communications. A ship station licensed by rule is authorized to transmit radio signals using a marine radio operating in the 156–162 MHz band, any type of EPIRB, and any type of radar installation. All other transmissions must be authorized under a ship station license. Even though an individual license is not required, a ship station licensed by rule must be operated in accordance with all applicable operating requirements, procedures, and technical specifications found in this part.

[61 FR 58010, Nov. 12, 1996, as amended at 62 FR 40304, July 28, 1997]

§ 80.15 Eligibility for station license.

(a) *General.* A station license cannot be granted to or held by a foreign government or its representative.

(b) *Public coast stations and Alaska-public fixed stations.* A station license for a public coast station or an Alaska-public fixed station cannot be granted to or held by:

(1) Any alien or the representative of any alien;

(2) Any foreign government or its representative;

(3) Any corporation organized under the laws of any foreign government;

(4) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or its representative, or by a corporation organized under the laws of a foreign country; or

(5) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or its representatives, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(c) *Private coast and marine utility stations.* The supplemental eligibility requirements for private coast and marine utility stations are contained in § 80.501(a).

(d) *Ship stations.* A ship station license may only be granted to:

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§ 80.49 Construction and regional service requirements.

(a) *Public coast stations.* (1) Each VHF public coast station geographic area licensee must notify the Commission of substantial service within its region or service area (subpart P) within five years of the initial license grant, and again within ten years of the initial license grant in accordance with § 1.946 of this chapter. "Substantial" service is defined as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal. For site-based VHF public coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, the licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies authorized have been placed in operation within twelve months from the date of the grant.

(2) For LF, MF, and HF band public coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, if the station or frequencies authorized have not been placed in operation within twelve months from the date of grant, the authorization becomes invalid and must be returned to the Commission for cancellation.

(3) For AMTS band public coast station licensees, when a new license has been issued or additional operating frequencies have been authorized, if the station or frequencies authorized have not been placed in operation within two years from the date of grant, the authorization becomes invalid and must be returned to the Commission for cancellation.

(b) *Public fixed stations.* When a new license has been issued or additional operating frequencies have been authorized, the licensee must notify the Commission in accordance with § 1.946 of this chapter that the station or frequencies authorized have been placed in operation within twelve months from the date of the grant.

[63 FR 68955, Dec. 14, 1998, as amended at 65 FR 77823, Dec. 13, 2000]

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§ 80.51 Ship earth station licensing.

(a) [Reserved]

(b) A ship earth station authorized to operate the INMARSAT space segment must display the Commission license in conjunction with the commissioning certificate issued by the INMARSAT Organization. Ship earth stations that were operating in the MARISAT system and are not commissioned by the INMARSAT Organization will continue to be used in the INMARSAT system without a commissioning certificate issued by the INMARSAT Organization. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless a commissioning certificate is obtained from the INMARSAT Organization. Notwithstanding the requirements in this paragraph, ship earth stations can operate in the INMARSAT space segment without an INMARSAT issued commissioning certificate provided an appropriate written approval is obtained from the INMARSAT Organization in addition to the Commission's license.

[51 FR 31213, Sept. 2, 1986, as amended at 63 FR 68955, Dec. 14, 1998]

§ 80.53 Application for a portable ship station license.

The Commission may grant a license permitting operation of a portable ship station aboard different vessels of the United States.

[63 FR 68956, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 63 FR 68956, Dec. 14, 1998, § 80.53 was revised. This section contains information collection and record-keeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 80.54 Automated Maritime Telecommunications System (AMTS)—System Licensing.

AMTS licensees will be issued blanket authority for a system of coast stations and mobile units (subscribers). AMTS applicants will specify the maximum number of mobile units to be placed in operation during the license period.

[56 FR 3783, Jan. 31, 1991]

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ships, list the number of passengers the ship is licensed to carry); and

(x) Type and quantity of radio equipment on board, including:

(A) VHF Radio Installation (indicate if GMDSS approved);

(B) Single Side-Band (SSB) (indicate the band of operation, MF or HF and indicate if GMDSS approved);

(C) Category 1, 406 MHz EPIRB (GMDSS approved);

(D) NAVTEX Receiver (GMDSS approved);

(E) Survival Craft VHF (GMDSS approved);

(F) 9 GHz Radar Transponder (GMDSS approved);

(G) Ship Earth Station;

(H) 500 kHz Distress Frequency Watch Receiver;

(I) 2182 Radiotelephone Auto Alarm;

(J) Reserve Power Supply (capability); and

(K) Any other equipment.

(2) Feeable applications for exemption must be filed with Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in §1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW., TW-B204, Washington, DC 20554.

NOTE: With emergency requests, do not send the fee, you will be billed.

(d) *Waiver of annual inspection.* (1) The Commission may, upon a finding that the public interest would be served, grant a waiver of the annual inspection required by Section 362(b) of the Communications Act, 47 U.S.C. 360(b), for a period of not more than 90 days for the sole purpose of enabling a United States vessel to complete its voyage and proceed to a port in the United States where an inspection can be held. An informal application must be submitted by the ship's owner, operator or authorized agent. The application must be submitted to the Commission's District Director or Resident Agent in charge of the FCC office nearest the port of arrival at least three

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days before the ship's arrival. The application must include:

(i) The ship's name and radio call sign;

(ii) The name of the first United States port of arrival directly from a foreign port;

(iii) The date of arrival;

(iv) The date and port at which annual inspection will be formally requested to be conducted;

(v) The reason why an FCC-licensed technician could not perform the inspection; and

(vi) A statement that the ship's compulsory radio equipment is operable.

(2) Vessels that are navigated on voyages outside of the United States for more than 12 months in succession are exempted from annual inspection required by section 362(b) of the Communications Act, provided that the vessels comply with all applicable requirements of the Safety Convention, including the annual inspection required by Regulation 9, Chapter I, and the vessel is inspected by an FCC-licensed technician in accordance with this section within 30 days of arriving in the United States.

[51 FR 31213, Sept. 2, 1986, as amended at 56 FR 64715, Dec. 12, 1991; 60 FR 50122, Sept. 28, 1995; 61 FR 8478, Mar. 5, 1996; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998; 63 FR 68956, Dec. 14, 1998; 64 FR 53241, Oct. 1, 1999]

§ 80.60 Partitioned licenses and disaggregated spectrum.

(a) *Eligibility.* VHF Public Coast Station Area (VPCSA) licensees, see §80.371(c)(1)(ii) of this part, may partition their geographic service area or disaggregate their spectrum pursuant to the procedures set forth in this section. Parties seeking approval for partitioning and disaggregation shall request an authorization for partial assignment pursuant to §1.924 of this chapter.

(b) *Technical standards.* (1) *Partitioning.* In the case of partitioning, all requests for authorization for partial assignment of a license must include, as an attachment, a description of the partitioned service area. The partitioned service area shall be defined by coordinate points at every 3 degrees along the partitioned service area unless an FCC-recognized service area is

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utilized (e.g., Metropolitan Service Area, Rural Service Area, or Economic Area) or county lines are used. The geographic coordinates must be specified in degrees, minutes, and seconds to the nearest second of latitude and longitude, and must be based upon the 1983 North American Datum (NAD83). In a case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(2) *Disaggregation*. Spectrum may be disaggregated in any amount, provided acquired spectrum is disaggregated according to frequency pairs.

(3) *Combined partitioning and disaggregation*. The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation.

(c) *License term*. The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's term as provided for in § 80.25 of this part.

(d) *Construction Requirements*. (1) *Partitioning*. Partial assignors and assignees for license partitioning have two options to meet construction requirements. Under the first option, the partitionor and partitionee would each certify that they will independently satisfy the substantial service requirement for their respective partitioned areas. If either licensee failed to meet its substantial service showing requirement, only the non-performing licensee's renewal application would be subject to dismissal. Under the second option, the partitioner certifies that it has met or will meet the substantial service requirement for the entire market. If the partitioner fails to meet the substantial service standard, however, only its renewal application would be subject to forfeiture at renewal.

(2) *Disaggregation*. Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the substantial service requirement for the geographic service area. If parties

choose this option and either party fails to do so, both licenses would be subject to forfeiture at renewal. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the nonperforming party would be subject to forfeiture at renewal.

[63 FR 40063, July 27, 1998]

Subpart C—Operating Requirements and Procedures

STATION REQUIREMENTS—GENERAL

§ 80.61 Commission inspection of stations.

All stations and required station records must be made available for inspection by authorized representatives of the Commission.

§ 80.63 Maintenance of transmitter power.

(a) The power of each radio transmitter must not be more than that necessary to carry on the service for which the station is licensed.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer for carrier power in excess of 100 watts must contain the instruments necessary to determine the transmitter power during its operation.

STATION REQUIREMENTS—LAND STATIONS

§ 80.67 General facilities requirements for coast stations.

(a) All coast stations licensed to transmit in the band 156–162 MHz must be able to transmit and receive on 156.800 MHz and at least one working frequency in the band.

(b) All coast stations that operate telephony on frequencies in the 1605–3500 kHz band must be able to transmit and receive using J3E emission on the frequency 2182 kHz and at least one working frequency in the band. In addition,

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VESSEL TRAFFIC SERVICES SYSTEM (VTS)

§ 80.383 Vessel Traffic Services (VTS) system frequencies.

This section describes the carrier frequencies available for use in the Coast Guard Vessel Traffic Services (VTS) systems within the designated geographic radio protected areas.

(a) Assigned frequencies:

VESSEL TRAFFIC CONTROL FREQUENCIES

Carrier frequencies (MHz)	Geographic areas
156.250	Seattle.
156.550	New York, New Orleans, ² Houston, Prince William Sound, ² Berwick Bay.
156.600	New York, New Orleans, ² Houston, San Francisco, ² Sault Ste. Marie. ²
156.700	New York, New Orleans, ² Seattle, San Francisco. ¹

¹ Private coast station licenses for the use of this frequency will not be renewed beyond November 1, 1997. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

² Private coast station licenses for the use of this frequency in this area will expire at the end of the current license term or five years after the adopted date of the final rule, whichever comes first. Continued use until expiration must be on a noninterference basis to Coast Guard VTS communications.

(b) The U.S. Coast Guard designated radio protection areas for VTS are as follows:

(1) *New York*. The rectangle between north latitudes 40 degrees and 42 degrees and west longitudes 71 degrees and 74 degrees 30 minutes;

(2) *New Orleans*. The rectangle between North latitudes 27 degrees 30 minutes and 31 degrees 30 minutes and West longitudes 87 degrees 30 minutes and 93 degrees;

(3) *Houston*. The rectangle between north latitudes 28 degrees 30 minutes and 30 degrees 20 minutes and west longitudes 93 degrees 30 minutes and 96 degrees;

(4) *Seattle (Puget Sound)*. The area encompassed between the United States-Canadian border and a line drawn from 49 degrees North 121 degrees West on the United States-Canadian Border, to 46 degrees 30 minutes North 121 degrees West, then to 46 degrees 30 minutes North 125 degrees West, then to 48 degrees 30 minutes North 125 degrees West, and then east to the United States-Canadian Border;

(5) *San Francisco*. The rectangle between north latitudes 39 degrees and 37

degrees and west longitudes 120 degrees 50 minutes and 123 degrees 20 minutes; and

(6) *Prince William Sound*. The rectangle between North latitudes 61 degrees 17 minutes and 59 degrees 22 minutes and West longitudes 149 degrees 39 minutes and 145 degrees 36 minutes.

(7) *Sault Ste. Marie*. The rectangle between North latitudes 45 degrees and 47 degrees, and West longitudes 83 degrees and 85 degrees.

(8) *Berwick Bay*. The rectangle between North latitudes 28 degrees 30 minutes and 30 degrees 30 minutes, and West longitudes 90 degrees 50 minutes and 92 degrees.

(c) The use of the frequencies shown in paragraph (a) of this section is permitted in areas outside the Coast Guard radio protection areas provided there is no interference to VTS communications within the VTS areas.

[51 FR 31213, Sept. 2, 1986, as amended at 52 FR 35245, Sept. 18, 1987; 54 FR 8746, Mar. 2, 1989; 55 FR 46514, Nov. 5, 1990; 58 FR 16504, Mar. 29, 1993; 61 FR 26120, May 24, 1996; 61 FR 26466, May 28, 1996; 63 FR 53313, Oct. 5, 1998]

AUTOMATED SYSTEMS

§ 80.385 Frequencies for automated systems.

This section describes the carrier frequencies for the Automated Maritime Telecommunications System (AMTS) and for other automated multi-station systems.

(a) *Automated Maritime Telecommunications System (AMTS)*. (1) The Automated Maritime Telecommunications System (AMTS) is an integrated and interconnected maritime communications system.

(2) The following carrier frequency pairs are available for radiotelephony, facsimile and teleprinter communications. AMTS operations must not cause harmful interference to the U.S. Navy SPASUR system which operates in the band 216.880-217.080 MHz.

Channel No.	Carrier frequency (MHz)		
	Ship transmit ¹	Coast transmit ²	Group
101	216.0125	D
102	216.0375	
103	216.0625	
104	216.0875	
105	216.1125	
106	216.1375	

Channel No.	Carrier frequency (MHz)		
	Ship trans- mit ¹	Coast trans- mit ²	Group
107		216.1625	
108		216.1875	
109		216.2125	
110		216.2375	
111		216.2625	
112		216.2875	
113		216.3125	
114		216.3375	
115		216.3625	
116		216.3875	
117		216.4125	
118		216.4375	
119		216.4625	
120		216.4875	
121		216.5125	C
122		216.5375	
123		216.5625	
124		216.5875	
125		216.6125	
126		216.6375	
127		216.6625	
128		216.6875	
129		216.7125	
130		216.7375	
131		216.7625	B
132		216.7875	
133		216.8125	
134		216.8375	
135		216.8625	
136		216.8875	
137		216.9125	
138		216.9375	
139		216.9625	
140		216.9875	
141	219.0125	217.0125	
142	219.0375	217.0375	
143	219.0625	217.0625	
144	219.0875	217.0875	
145	219.1125	217.1125	
146	219.1375	217.1375	
147	219.1625	217.1625	
148	219.1875	217.1875	
149	219.2125	217.2125	
150	219.2375	217.2375	
151	219.2625	217.2625	A
152	219.2875	217.2875	
153	219.3125	217.3125	
154	219.3375	217.3375	
155	219.3625	217.3625	
156	219.3875	217.3875	
157	219.4125	217.4125	
158	219.4375	217.4375	
159	219.4625	217.4625	
160	219.4875	217.4875	
161	219.5125	217.5125	
162	219.5375	217.5375	
163	219.5625	217.5625	
164	219.5875	217.5875	
165	219.6125	217.6125	
166	219.6375	217.6375	
167	219.6625	217.6625	
168	219.6875	217.6875	
169	219.7125	217.7125	
170	219.7375	217.7375	
171	219.7625	217.7625	
172	219.7875	217.7875	
173	219.8125	217.8125	
174	219.8375	217.8375	
175	219.8625	217.8625	
176	219.8875	217.8875	
177	219.9125	217.9125	
178	219.9375	217.9375	

Channel No.	Carrier frequency (MHz)		
	Ship trans- mit ¹	Coast trans- mit ²	Group
179	219.9625	217.9625	
180	219.9875	217.9875	

¹Ship transmit frequencies in Group C and D are not authorized for AMTS use.

²Coast station operation on frequencies in Groups C and D are not currently assignable and are shared on a secondary basis with the Low Power Radio Service in part 95 of this chapter. Frequencies in the band 216.750–217.000 MHz band are available for low power point-to-point network control communications by AMTS coast stations under the Low Power Radio Service (LPRS). LPRS operations are subject to the conditions that no harmful interference is caused to the United States Navy's SPASUR radar system (216.88–217.08 MHz) or to TV reception within the Grade B contour of any TV channel 13 station or within the 68 dBu predicted contour of any low power TV or TV translator station operating on channel 13.

(3) Channels in the 219–220 MHz band are also used on a secondary, non-interference basis by amateur stations participating in digital message forwarding systems. Amateur stations may not cause harmful interference to AMTS operations and must accept any harmful interference from AMTS operation. Amateur stations within 80 km (50 miles) of an AMTS coast station must obtain written approval from the AMTS licensee prior to operating in the 219–220 MHz band. Amateur stations within 640 km (398 miles) of an AMTS coast station must notify the AMTS licensee in writing at least 30 days prior to initiation of operations in the 219–220 MHz band. All amateur stations must notify the American Radio Relay League in writing at least 30 days prior to initiation of operations in the 219–220 MHz band (ARRL, 225 Main St., Newington, CT 06111–1494).

(b) *Narrowband operations in AMTS.* AMTS licensees may operate on frequencies offset from the assignable channels specified in paragraph (a)(2) of this section provided such licensees are also licensed for channels on each side of the offset frequency. Licensees using offset frequencies must conform with all other conditions of operation.

(c) *Automated multi-station system.* Great Lakes Region. The following table describes the assignable carrier frequency pairs to provide communication services including automated calling, teleprinter and facsimile:

Channel designator	Carrier frequency (MHz)	
	Ship transmit	Coast transmit
17	None	¹ 156.850

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Channel designator	Carrier frequency (MHz)	
	Ship transmit	Coast transmit
84	157.225	161.825
85	157.275	161.875
86	157.325	161.925
87	157.375	161.975

¹The frequency 156.850 MHz is used only to transmit scheduled weather broadcasts.

[51 FR 31213, Sept. 2, 1986, as amended at 54 FR 29041, July 11, 1989; 56 FR 3783, Jan. 31, 1991; 57 FR 26780, June 16, 1992; 60 FR 15687, Mar. 27, 1995; 61 FR 46566, Sept. 4, 1996]

ALASKA FIXED STATIONS

§ 80.387 Frequencies for Alaska fixed stations.

(a) The carrier frequencies listed in (b) of this section are assignable for point-to-point simplex radiotelephone communications between private fixed stations in Alaska. The frequency pairs listed in paragraph (d) of this section are assignable for point-to-point duplex radiotelephone communications between private and public fixed stations in Alaska. Fixed stations in Alaska authorized to share carrier frequencies with the maritime mobile service must always give priority on such frequencies to maritime distress, urgency and safety communications.

(b) *Alaska-private fixed station frequencies:*

Carrier frequencies (kHz)		
1643.0	2430.0	2773.0
1646.0	2447.0	3164.5
1649.0	2450.0	3183.0
1652.0	2463.0	3196.0
1657.0	2466.0	3201.0
1660.0 ¹	2471.0	3258.0
1705.0	2479.0	3261.0
1709.0	2482.0	3303.0
1712.0	2506.0	3365.0
2003.0	2509.0	4035.0
2006.0	2512.0	5164.5
2115.0	2535.0	³ 5167.5
2118.0	2538.0	5204.5
2253.0	2563.0	² 6948.5
2400.0	2566.0	² 7368.5
2419.0	2601.0	8067.0
2422.0	2616.0	8070.0
2427.0	2691.0	² 11437.0
.....	.....	² 11601.5

¹Use of 1660.0 kHz must be coordinated to protect radio-location on adjacent channels.

²Peak envelope power must not exceed 1 kW for radiotelephony. Teleprinter use is authorized.

³The frequency 5167.5 kHz is available for emergency communications in Alaska. Peak envelope power of stations operating on this frequency must not exceed 150 watts. When a station in Alaska is authorized to use 5167.5 kHz, such station may also use this frequency for calling and listening for the purpose of establishing communications.

(c) Use of the frequencies in paragraph (b) of this section must meet the following conditions:

(1) Communications between private coast and private fixed stations are prohibited; and

(2) Station licensees must not charge for third party communication services between their station and any other private fixed station.

(d) The following carrier frequency pairs are assignable for point-to-point communications between public fixed and private fixed stations:

Public fixed station frequencies (kHz)	Private fixed station frequencies (kHz)
¹ 2312.0	2632.0
2604.0	2256.0
2781.0	³ 2474.0
2784.0	2694.0
3167.5	3354.0
3180.0	2776.0
3241.0	3357.0
3362.0	3238.0
² 4791.5	5207.5
5370.0	⁴ 5134.5, ⁴ 5137.5

¹This frequency is assignable on a primary basis to public coast stations and on a secondary basis to public fixed stations.

²Teleprinter use is authorized.

³Peak envelope power must not exceed 1 kW.

⁴Licensees must cease all communications on 5134.5 kHz and 5137.5 kHz when notified by the State of Alaska of an emergency or disaster. Licensees may resume communication on these frequencies when notified by the State of Alaska that the disaster or harmful interference has ended.

(e) The public fixed station frequencies are assignable to common carriers.

(f) The private fixed station frequencies described in paragraph (d) of this section are assignable to private entities located in areas where common carrier facilities are not available. Private fixed stations operating on the frequencies in paragraph (d) of this section, must communicate with public fixed stations only. Private fixed stations are permitted to provide third party communications between their station and the public fixed stations. A charge for such service is prohibited.

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mobile station when the use of available point-to-point communication facilities would delay the delivery of such message traffic;

(4) Utilization of radiotelegraphy must not incur additional charges or replace available point-to-point communication facilities;

(5) Only authorized working frequencies within the band 415 kHz to 5000 kHz must be employed for communications between coast stations;

(6) Harmful interference must not be caused to communication between mobile stations and coast stations or between mobile stations.

[51 FR 31213, Sept. 2, 1986, as amended at 62 FR 40307, July 28, 1997]

USE OF TELEGRAPHY

§ 80.455 Assignment and use of frequencies for manual Morse code telegraphy.

(a) The frequencies designated in §§ 80.355 and 80.357 may be licensed for use by coast stations employing telegraphy.

(b) [Reserved]

§ 80.459 Digital selective calling.

Subpart H of this part lists frequencies assignable for DSC.

§ 80.461 Narrow-band direct-printing.

Subpart H of this part lists the frequencies assignable to public coast stations for operations with ship stations. Operating procedures are listed in subpart C of this part.

USE OF TELEPHONY

§ 80.465 Assignment and use of frequencies for telephony.

Subpart H of this part lists the frequencies available for assignment to public coast stations for telephony operations.

§ 80.467 Duplication of VHF service.

No duplication of service areas as determined by subpart P of this part will be permitted by public coast stations operating on the same VHF public correspondence channel. Within the service area of a station, the ratio of desired to undesired co-channel signal

strengths on public correspondence channels must be at least 12dB.

§ 80.469 Maritime mobile repeater stations in Alaska.

(a) Maritime mobile repeater stations are authorized to extend the range of communication between a VHF public coast station located in Alaska and ship stations.

(b) On a secondary basis, maritime mobile repeater stations may be authorized to extend the range of a private coast station:

(1) In an area where VHF common carrier service is not available;

(2) A maritime mobile repeater station license expires 60 days after a public coast station in the area begins service.

(c) Maritime mobile repeater stations may not be authorized in cases where operational fixed frequencies can be employed.

(d) The provisions relating to duplication of service described in subpart P apply to maritime mobile repeater stations.

(e) The frequencies 157.275 and 161.875 MHz are assignable to maritime mobile repeater stations.

(f) Each maritime mobile repeater station must:

(1) Deactivate automatically within 5 seconds after the signals controlling the station cease; and

(2) During periods when it is not controlled from a manned control point, deactivate automatically not more than 20 minutes after its activation by a mobile unit.

[51 FR 31213, Sept. 2, 1986, as amended at 63 FR 68956, Dec. 14, 1998]

EFFECTIVE DATE NOTE: At 63 FR 68956, Dec. 14, 1998, § 80.469 was amended by revising paragraph (c). This section contains information collection and recordkeeping requirements, and the amendment will not become effective until approval has been given by the Office of Management and Budget.

§ 80.471 Discontinuance or impairment of service.

A public coast station must not discontinue or impair service unless authorized to do so by the Commission.

[51 FR 31213, Sept. 2, 1986; 52 FR 35245, Sept. 18, 1987]

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AUTOMATED SYSTEMS

§ 80.475 Scope of service of the Automated Maritime Telecommunications System (AMTS).

(a) AMTS applicants proposing to serve inland waterways must show how the proposed system will provide continuity of service along more than 60% of each of one or more navigable inland waterways. Inland waterways less than 240 kilometers (150 miles) long must be served in their entirety. AMTS applicants proposing to serve portions of the Atlantic, Pacific or Gulf of Mexico coastline must define a substantial navigational area and show how the proposed system will provide continuity of service for it. A separate Form 503 is not required for each coast station in a system. However, the applicant must provide the technical characteristics for each proposed coast station, including transmitter type, operating frequencies, emissions, transmitter output power, antenna arrangement and location.

(1) Applicants proposing to locate a coast station transmitter within 169 kilometers (105 miles) of a channel 13 TV station or within 129 kilometers (80 miles) of a channel 10 TV station or with an antenna height greater than 61 meters (200 feet), must submit an engineering study clearly showing the means of avoiding interference with television reception within the grade B contour, *see* § 80.215(h) of this chapter, unless the proposed station's predicted interference contour is fully encompassed by the composite interference contour of the applicant's existing system, or the proposed station's predicted interference contour extends the system's composite interference contour over water only (disregarding uninhabited islands).

(2) Additionally, applicants required to submit the above specified must give written notice of the filing of such application(s) to the television stations which may be affected. A list of the notified television stations must be submitted with the subject applications.

(b) Coast stations for which the above specified need not be submitted because the proposed station's predicted interference contour is fully encompassed by the composite inter-

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ference contour of the applicant's existing system or the proposed station's predicted interference contour extends the system's composite interference contour over water only (disregarding uninhabited islands) must, at least 15 days before the station is put into operation, give written notice to the television stations which may be affected of the proposed station's technical characteristics, the date it will be put into operation, and the licensee's representative (name and phone number) to contact in the event a television station experiences interference. No prior FCC authorization is required to construct and operate such a station, but, at the time the station is added, the AMTS licensee must make a record of the technical and administrative information concerning the station and, upon request, supply such information to the FCC. In addition, when the station is added, the AMTS licensee must send notification of the station's location to the American Radio Relay League, Inc., 225 Main Street, Newington, CT 06111-1494, and Interactive Systems, Inc., Suite 1103, 1601 North Kent Street, Arlington, VA 22209.

(c) In lieu of public correspondence service an AMTS system may provide private coast station communications related to the operational requirements of ships including transmissions of fuel, weather, position and supply reports. However, such communications may be provided only to ship stations whose licensees make cooperative arrangements with the AMTS coast station licensees. In emergency and distress situations, services must be provided without prior arrangements.

[51 FR 31213, Sept. 2, 1986, as amended at 52 FR 35245, Sept. 18, 1987; 56 FR 3783, Jan. 31, 1991; 65 FR 77826, Dec. 13, 2000]

§ 80.477 AMTS points of communication.

(a) AMTS coast stations may communicate with fixed platform stations located in the offshore waters of the Gulf of Mexico, with ship stations, and with land units in accordance with § 80.123.

(b) AMTS licensees in the offshore waters of the Gulf of Mexico may use

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AMTS coast and ship station frequencies on a secondary basis for fixed service communications to support off-shore AMTS operations.

(c) AMTS service may be provided to any vessel within communication service range of an AMTS station even though the vessel may not be operating within the confines of a served waterway.

(d) AMTS licensees may use AMTS coast and ship frequencies on a secondary basis for fixed service communications to support AMTS deployment in remote fixed locations at which other communications facilities are not available.

[51 FR 31213, Sept. 2, 1986, as amended at 52 FR 35245, Sept. 18, 1987; 62 FR 40307, July 28, 1997; 65 FR 77827, Dec. 13, 2000]

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in subpart H of this part. These frequencies are assignable to ship and public coast stations for voice, facsimile and radioteletypewriter communications.

(b) [Reserved]

§ 80.481 Alternative technical parameters for AMTS transmitters.

In lieu of the technical parameters set forth in this part, AMTS transmitters may utilize any modulation or channelization scheme so long as emissions are attenuated in accordance with § 80.211 at the band edges of each station's assigned channel group or groups.

[65 FR 77827, Dec. 13, 2000]

Subpart K—Private Coast Stations and Marine Utility Stations

§ 80.501 Supplemental eligibility requirements.

(a) A private coast station or a marine utility station may be granted only to a person who is:

(1) Regularly engaged in the operation, docking, direction, construction, repair, servicing or management of one or more commercial transport vessels or United States, state or local government vessels; or is

(2) Responsible for the operation, control, maintenance or development of a harbor, port or waterway used by commercial transport vessels; or is

(3) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service; or is

(4) A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served performs any of the eligibility activities described in this section; or is

(5) A nonprofit corporation or association, organized to furnish a maritime mobile service solely to persons who operate one or more commercial transport vessels; or is

(6) Responsible for the operation of bridges, structures or other installations that are a part of, or directly related to, a harbor, port or waterway when the operation of such facilities requires radio communications with vessels for safety or navigation; or is

(7) A person controlling public moorage facilities; or is

(8) A person servicing or supplying vessels other than commercial transport vessels; or is

(9) An organized yacht club with moorage facilities; or is

(10) A nonprofit organization providing noncommercial communications to vessels other than commercial transport vessels.

(b) Each application for station authorization for a private coast station or a marine utility station must be accompanied by a statement indicating eligibility under paragraph (a) of this section.

§ 80.503 Cooperative use of facilities.

(a) A person engaged in the operation of one or more commercial transport vessels or government vessels may receive maritime mobile service from a private coast station or a marine utility station on shore even though not the licensee of the private coast station or the marine utility station. Restrictions on cooperative arrangements are as follows:

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AMTS coast and ship station frequencies on a secondary basis for fixed service communications to support off-shore AMTS operations.

(c) AMTS service may be provided to any vessel within communication service range of an AMTS station even though the vessel may not be operating within the confines of a served waterway.

(d) AMTS licensees may use AMTS coast and ship frequencies on a secondary basis for fixed service communications to support AMTS deployment in remote fixed locations at which other communications facilities are not available.

[51 FR 31213, Sept. 2, 1986, as amended at 52 FR 35245, Sept. 18, 1987; 62 FR 40307, July 28, 1997; 65 FR 77827, Dec. 13, 2000]

§ 80.479 Assignment and use of frequencies for AMTS.

(a) The frequencies assignable to AMTS stations are listed in subpart H of this part. These frequencies are assignable to ship and public coast stations for voice, facsimile and radioteletypewriter communications.

(b) [Reserved]

§ 80.481 Alternative technical parameters for AMTS transmitters.

In lieu of the technical parameters set forth in this part, AMTS transmitters may utilize any modulation or channelization scheme so long as emissions are attenuated in accordance with § 80.211 at the band edges of each station's assigned channel group or groups.

[65 FR 77827, Dec. 13, 2000]

Subpart K—Private Coast Stations and Marine Utility Stations

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(a) A private coast station or a marine utility station may be granted only to a person who is:

(1) Regularly engaged in the operation, docking, direction, construction, repair, servicing or management of one or more commercial transport vessels or United States, state or local government vessels; or is

(2) Responsible for the operation, control, maintenance or development of a harbor, port or waterway used by commercial transport vessels; or is

(3) Engaged in furnishing a ship arrival and departure service, and will employ the station only for the purpose of obtaining the information essential to that service; or is

(4) A corporation proposing to furnish a nonprofit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary where the party to be served performs any of the eligibility activities described in this section; or is

(5) A nonprofit corporation or association, organized to furnish a maritime mobile service solely to persons who operate one or more commercial transport vessels; or is

(6) Responsible for the operation of bridges, structures or other installations that are a part of, or directly related to, a harbor, port or waterway when the operation of such facilities requires radio communications with vessels for safety or navigation; or is

(7) A person controlling public moorage facilities; or is

(8) A person servicing or supplying vessels other than commercial transport vessels; or is

(9) An organized yacht club with moorage facilities; or is

(10) A nonprofit organization providing noncommercial communications to vessels other than commercial transport vessels.

(b) Each application for station authorization for a private coast station or a marine utility station must be accompanied by a statement indicating eligibility under paragraph (a) of this section.

§ 80.503 Cooperative use of facilities.

(a) A person engaged in the operation of one or more commercial transport vessels or government vessels may receive maritime mobile service from a private coast station or a marine utility station on shore even though not the licensee of the private coast station or the marine utility station. Restrictions on cooperative arrangements are as follows: